

**SENATE CONCURRENT  
RESOLUTION No. 17**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**SYNOPSIS**

Amends Constitution to dedicate all revenues received from water consumption user fees and water diversion user fees to water quality, supply, and infrastructure projects.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1   **A CONCURRENT RESOLUTION** proposing to amend Article VIII,  
2       Section II of the Constitution of the State of New Jersey by  
3       adding a new paragraph thereto.

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5       **BE IT RESOLVED** *by the Senate of the State of New Jersey (the*  
6       *General Assembly concurring):*

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8       1. The following proposed amendment to the Constitution of  
9       the State of New Jersey is agreed to:

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PROPOSED AMENDMENT

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13       Amend Article VIII, Section II by adding a new paragraph 10 to  
14       read as follows:

15       10. For each State fiscal year commencing on and after July 1,  
16       2019, there shall be credited to the Water Resources Protection  
17       Trust Fund, established pursuant to P.L.     , c. (C.     ) (pending  
18       before the Legislature as Senate Bill No. 2805 of 2018), all  
19       revenues collected from water consumption users fees and water  
20       diversion user fees pursuant to P.L.     , c. (C.     ) (pending  
21       before the Legislature as Senate Bill No. 2805 of 2018), all interest  
22       or other investment income earned thereon, and all sums received as  
23       repayment of principal and interest on outstanding loans made from  
24       the fund.

25       The amounts annually credited pursuant to this paragraph shall  
26       be dedicated and shall be appropriated from time to time by the  
27       Legislature only for the purposes of financing water quality, water  
28       supply, and water infrastructure projects as provided by  
29       P.L.     , c. (C.     ) (pending before the Legislature as Senate Bill  
30       No. 2805 of 2018). No more than one percent of the total revenues  
31       credited to the fund may be expended for administrative costs  
32       incurred by the State in implementing P.L.     , c. (C.     )  
33       (pending before the Legislature as Senate Bill No. 2805 of 2018).

34       The Legislature shall not, under any pretense whatsoever,  
35       borrow, appropriate, or use the amount credited to the fund pursuant  
36       to this paragraph, or any portion thereof, for any purpose or in any  
37       manner other than as enumerated in this paragraph. The Legislature  
38       shall not, under any pretense whatsoever, borrow, appropriate, or  
39       use the amount credited to the fund pursuant to this paragraph, or  
40       any portion thereof, for the payment of the principal or interest on  
41       any general obligation bond that was approved by the voters prior to  
42       or subsequent to this paragraph becoming part of this Constitution.

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44       2. When this proposed amendment to the Constitution is finally  
45       agreed to pursuant to Article IX, paragraph 1 of the Constitution, it  
46       shall be submitted to the people at the next general election  
47       occurring more than three months after the final agreement and

**SCR17 B.SMITH**

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1 shall be published at least once in at least one newspaper of each  
2 county designated by the President of the Senate, the Speaker of the  
3 General Assembly and the Secretary of State, not less than three  
4 months prior to the general election.

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6 3. This proposed amendment to the Constitution shall be  
7 submitted to the people at that election in the following manner and  
8 form:

9 There shall be printed on each official ballot to be used at the  
10 general election, the following:

11 a. In every municipality in which voting machines are not used,  
12 a legend which shall immediately precede the question as follows:

13 If you favor the proposition printed below make a cross (X), plus  
14 (+), or check (✓) in the square opposite the word "Yes." If you are  
15 opposed thereto make a cross (X), plus (+) or check (✓) in the  
16 square opposite the word "No."

17 b. In every municipality the following question:

	YES	<p>CONSTITUTIONAL AMENDMENT DEDICATING MONEY FROM WATER CONSUMPTION USER FEES</p> <p>Do you approve amending the Constitution to dedicate money collected by the State from water consumption user fees and water diversion user fees? The money would be used only to fund water projects.</p>
	NO	<p>INTERPRETIVE STATEMENT</p> <p>This amendment would dedicate money collected by the State from water consumption user fees and water diversion user fees. The money would be used only to fund water quality, supply, and infrastructure projects. Projects could include drought mitigation measures; the preservation of wetlands and watersheds; the interconnection, expansion, repair, or rehabilitation of public water systems; and lead remediation. The State could use the money to provide grants and loans to local governments and water companies to undertake the projects. The State could use up to one percent of the money for administrative purposes related to the projects.</p> <p>The water consumption user fee would be charged to water customers based on the amount of water they consume. The water diversion user fee would be charged to any person required to obtain a permit from the State to divert water, and be based on the amount of water diverted. Both fees would be imposed under a separate act of the Legislature.</p>

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STATEMENT

This proposed constitutional amendment would dedicate all of the revenue the State collects from water consumption user fees and water diversion user fees pursuant to P.L. , c. (C. ) (pending before the Legislature as Senate Bill No. 2805 of 2018) to water quality, supply, and infrastructure projects, as provided under that bill. The State could also use up to one percent of the moneys for administrative purposes related to the projects.